

17712 U.S. PTO
041204

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

) Examiner: Not yet assigned

) Group Art Unit: Not yet assigned

For: **TISSUE SITE MARKERS FOR IN VIVO
IMAGING**

Serial No.: Not yet assigned

Filed: Concurrently

Atty. Docket. No.: R0367-01602

**REQUEST FOR FILING A
CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

16834 U.S. PTO
10/823053

041204

Express Mail Label No.: ER 740521176 US
Mailed in San Francisco, CA On April 12, 2004

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of co-pending prior application Serial No. 09/717,909, filed November 20, 2000, which is a continuation-in-part of application Serial No. 09/241,936, filed February 2, 1999, now U.S. Pat. No. 6,161,034 and a continuation-in-part of application Serial No. 09/343,975, filed June 30, 1999, now U.S. Patent No. 6,347,241 which are incorporated herein in their entireties by reference and which priorities are claimed.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

☒ the same as those named in the prior application.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

☐ amendment below;

☒ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	2001				\$385.
Independent Claims	2201	2 - 3=	0 x	\$43=	\$0.
Total Claims	2202	7 -20=	0 x	\$ 9=	\$0.

Total Fees Due\$385.

4. Payment of Filing Fees:

☒ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Attorney Docket No. R0367-01602.

5. The prior application is assigned of record to: **SenoRx, Inc.**

6. The power of attorney in the prior application is to: **Edward J. Lynch.**

☐ The power appears in the original papers in the prior application.

☒ Power of Attorney and Revocation of Prior Powers as filed in prior application.

7. **Please address all future correspondence to:**

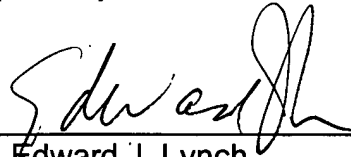
**Edward J. Lynch
DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105**

8. Documents enclosed:

- ☒ Copy of prior complete application as filed including the specification (29 pages), claims (8 pages), and abstract (1 page), and signed Declaration and Power of Attorney (4 page total);
- ☒ Preliminary Amendment And Information Disclosure Statement;
- ☒ Form PTO-1449;
- ☒ Submission Of Formal Drawings;
- ☒ Eight (8) sheets of formal drawings in triplicate as filed in prior copending application; and
- ☒ Change Of Correspondence Address; and
- ☒ Return receipt postcard.

Respectfully submitted,

By: _____


Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Telephone: (415) 371-2200
Facsimile: (415) 371-2201
Direct Dial: (415) 371-2267

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CHANGE OF
CORRESPONDENCE ADDRESS

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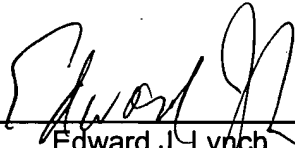
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Alexandria, VA 22313-1450

Dear Sir:

Please address future correspondence for this application as follow:

Edward J. Lynch
DUANE MORRIS LLP
One Market
Spear Tower, Ste. 2000
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Respectfully submitted,

By: 

Edward J. Lynch
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Attorney for Applicants

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IMAGING)	
Serial No.: Not yet assigned)	<u>SUBMISSION OF</u>
)	<u>FORMAL DRAWINGS</u>
Filed: Concurrently)	
Atty. Docket. No.: R0367-01602)	

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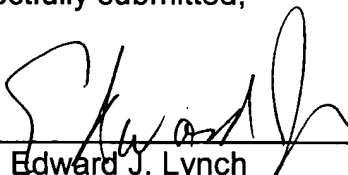
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Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are eight (8) sheets of formal drawings, as filed in the related copending U.S. application Serial No. 09/717,909 in connection with the above-identified application. For the Examiner's convenience these drawings are submitted in triplicate and in photocopy form as expressly provided by MPEP §608.02.

Respectfully submitted,

By: _____


Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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